IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE JURISDICTION

WRIT PETITION NO.1132 OF 2005

Shraboni Sen ..Petitioner

Vs.

Sandip Biswas ..Respondent

....

Ms.A.S.Khushrushahi for Petitioner
Ms.Asha Bhuta i/b M/s. Asha Bhuta and Associates for Respondent

....

CORAM : B.H.MARLAPALLE,J.

DATE : APRIL 20,2005

P.C.:

1. Heard the learned counsel for the respective parties.

2. The Petitioner-wife had applied to the learned Principal Judge of the Family Court for assigning Misc. Application No. 129 of 2003 pending before the Court No.2 to some other Court for expeditious orders. This application dated 25.1.2005 has been disposed of by the learned Principal Judge by the following order:

. "It is not required to give such direction as Incharge is bound to take up the matter as per that Court's diary

and convenience".

3. The learned counsel for the Petitioner states that the Incharge Courts do not take up the Misc. Applications for hearing and orders and therefore, the Misc. Application No. 129 of 2003 is still pending the applicant-mother is deprived of accesses to the minor child. She is anxious to have the access at least during the ensuring summer vacation.

4. It is directed that the Misc. Application No. 129 of 2003 be heard and decided on its own merits by the Incharge Court as expeditiously as possible and in any case on or before 6.5.2005. The parties to appear before the Incharge Court on 25.4.2005.

5. Petition is disposed of in terms of above directions.

6. Writ to go forthwith to the Family Court at Mumbai.

[B.H.MARLAPALLE,J.]